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WINNSBORO, S. C., WEDNESDAY, NOVÉMBER 9, 1887.

OUR CRIMINAL LAW.

SOME TIMELY SUGGESTIONS UPON AN INTERESTING SUBJECT.

Facts and Opinions Which Commercia Themselves to Serious Consideration-

Work of the Legislature. (Keowee Courier-Editorial.

We have read with some interest, but with more surprise, the views of some of our leading lawyers on the defects of the criminal law, and the escape of guilty criminals thereby, as the cause for the frequency and gravity of crimes. They propose changes in a system which has met the approval of an enlightened century and advocate them as a remedy against lynch law and the alleged prevalence of crime. We cannot hope, in a single article, to point out all the fallacies in the studied articles of these distinguished writers, but will briefly allude to the salient points of error, which,

in our view, they contain. Before entering on the subject, we will state that our views of the criminal law have always been the reverse of those expressed in the articles named, and when in the Legislature we suggested a change in the law, which would give the defendant in criminal prosecutions the reply in

argument in all cases. We thought then, and still believe, persons charged with erime are put on trial at a great disadvantage. It is true, that in theory every an is presumed to be innocent until he is proved guilty, but in practice, the corpus delicti being established, every person charged with crime is supposed to be guilty. This results from our nature. All honest men have a natural antipathy to crime, as affecting injuriously, either directly or indirectly, the security of their persons, propurty and reputation, and from this fact the mere charge of a crime against an individual leads the public mind in the channel of guilt. As a consequence every individual charged with crime must meet and defeat this natural inclination, either by proof of past good character or direct proof of innocence. This position needs no illustration of its truth, for when we read or hear of any cruel or heinous crime, affecting life or property, or even the reputstion of a female, and a party is arrested for it, we hear the cry, hang him, he ought to be strung up without law or gospel. Not a few instances have occurred where this feeling has culminated in the summary execution of the alteged criminal without inquiry as to, or proof

This characteristic of our nature is doubtless the father of the right of a defendant in capital cases to challenge peremptorily twenty jurors. He has, and should have, the right of trial by a jury composed of calm, unimpassioned men, dies egginst there is an innate prejudice against crime which it is difficult for any of us to abstract from the person charged with the crime. This right of challenge is neither designed nor does it operate as a right to

Lord Hale, led him to specially warn juries against convictions on purely circumstantial evidence. The same rule comment of the same rule and freight force in all cases for applies with equal force in all cases for applies with equal force in all cases for a summer constant and arranged according to the "fail" and arranged according to the "fail" and arranged according to the "fail" and arranged according to the same rule of th applies with equal force in all cases, for graph, the railroads, the press and the the one hand, or by personal feelings of distinction between mised-more complete system of mais. There for or against the defendant on the other, reputation for veracity?"

It will be remembered in this connection that we have often stressed the importance of getting the porkers into a portance of getting the porta venture, self-defence, manslaughter and is not an accident or homicide or other is to put it beyond the power of either murder, so shade into each other as to grave crime committed in the State or party to get a true jury. We are satisfied me his new dog cost him \$25. He paid weather has set in for the winter. Hogs render in very dimension to locate the grade of crime. In cases resting on circumstantial evidence, the corpus deliction is, who did being proved, the question is, who did being proved, the question is, who did being proved.

there just cause for the act or sufficient guilty of murder, for it is better to error he side of mercy than strict justice. irder and hence that any are guilty, though many are. Murder is a rith malice and pre-supposes a heart de as to commit it, but such men do live and when they kill with malice they should suffer the penalty, but they should have all the rights of defence consisient with he preservation of society. Now we say bese rights, as they exist, should not be abridged, and in saying this we have no sympathy with crime or criminals, but

for the reason that persons charged with erime are not necessarily criminals, and because, in our judgment, the State professing protection to her citizens, from our nature and practice in trials, hes great edvantages over defendants charged with crime. All citizens are personally interested in the prevention and suppression of crime, but having his natural feeling we should guard igainst making the law an instrument of vengeance against crime without regard to the criminal, rather striving to enforce se law with justice tempered with those nereiful provisions, the law in its terms etempts to throw around, not criminals, out persons charged with crime. Let us now examine the assumed facts

on which the articles of Judge Hadson and others are based, keeping in mind ne maxims, bad the crow, bad the ezg. like produces like, a false premiss neces sarily leads to a false conclusion. These writers assume as a feet that grave i more frequent occurrence in our Stat this true? As to our county, we deny s truth and for verification appeal to adition and the records of our courts. As to the State, all things considered, we lso deny its truth.

Upon such a charge by a contemporary s than two years ago, we examined our ssions docket and found less than twenty (we think sixteen or seventeen) cases of murder entered, including cases ot arrested and tried, and covering the eriod since the war. Several of these esses were homicide by misadventure or arely technical manslaughter, and all ne others tried were cases of self-defence or manslaughter from audden heat and assien, except one based on circumstantial evidence. In all these cases only one verdict of murder was found and the party was executed.

hem with facts of twenty years before from a long war and found their houses ence the result," conviction of the guilty often pilfered and destroyed, their stock is the exception and escape the rule, rethere are more rainy days in the year than there were formerly."

We have already shown that men have an innate antipathy to crime and that the climate of a country and by frequent contact with blood and days in the party charged and leads to an innate antipathy to crime and that the climate of a country and by frequent contact with blood and days in the year than there were formerly."

We have already shown that men have an innate antipathy to crime and that the climate of a country and by cultivation and settlement to the referred to his experience at Fort Douglas, in Utah. This post was established in 1861, and in that year the recorded rainfall there was only cleven inches. General Morrow was in complete the right to argue the facts to the law-abiding character of our people? But this is not all. During the twenty years over 4,000 slaves in the country were raised to full citizenship, a position.

It is meexception and escape the rule, retain there are more rainy days in the year than there were formerly."

To show that the climate of a country is modified by cultivation and settlement on the referred to his experience at Fort Douglas, in Utah. This post was established in 1861, and in that year the recorded rainfall there was only cleven inches. General Morrow was in complete the right to argue the facts to the last named year the rainfall, which last named year the rainfall which with the prevailed during the early fall has the post from 1870 to 1874, and in that year the recorded rainfall there was only cleven inches. General Morrow was in complete the right to argue the facts to the last named year the rainfall, which last named year the result."

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Service and a service of the service

the killing and under what circum- presents a formidable and fearful record, ther, that juries fail in their duties has Epoch.

stances? In ordinary homicide, the and editors, seeing this commingled re- no foundation in the records of our TIMELY TOPICS FOR FARME slayer being known, the question is, was cord daily, conclude on general princi- courts. ples that neither life nor property will A full reply to the extraordinary artilong be secure, unless the homicidal ten- cles of these writers, or rather a just vindency of the age is checked. In this dication of the peace and order of our culty. The jury, being unable to read way, without investigation and without State, all things considered, would rethe heart or interpret the motives of the regard to the area and population cover-quire several articles, and if the discused by the daily report or crimes in all sion goes on we reserve the right to our crime and hence their v-rdict. We use parts of the country, the impression gets say. We hope also in a future short arout and the cry is raised: "Crime abounds ticle to show that lynch law is in no and is increasing at a fearful rate." The way attributable to defects in our crimisame mistaken idea, proceeding from a nul law or its administration, but purely like cause, exists in other matters. In and solely to the cruelty, heinousness the summer we hear men say more per-sons are killed by lightning now than the crime. As there are creakers in formerly. This is true and yet false. True, in that more people are now killed than formerly, because population has increased, but false, in that no greater percentage is killed. The same is largely true of fires, railroad accidents and such like, the difference now, if any, being attributed to negligence. This is an age of travel and news, an age when, figura-

> ear is proclaimed from the housetop. We say, then, that, so far as our county is concerned, crime is not on the increase, and so far as the State is concerned, all things being considered, we do not believe it is on the increase. In fact at the last term of court at Pickens there was not a good hard day's work on the criminal docket and the court of sessions adjourned early Tuesday. It rarely holds Walhalla above a day and a haif, and t the summer term the petit jury is ften discharged before the grand jury can complete its report. On examination it will be found also that the bulk of crime, small and grave, is committed by negroes and that even counting them we have, relatively speaking, few crimes Charges such as are made in the article eferred to operate injuriously on the sitizens of the State, tending to impede immigration, lower the value of propert and prevent the investment and influx of capital, and if not founded on solid hets, should be refuted.

We have heretofore briefly alluded to he right-of challenge of jurors in criminal cases, and expressed our opposi-tion to any change in the law giving ludges the right to charge on the facts We think intelligent jurors, who see and often know personally the defendants and witnesses in such cases, can best understand and weigh the value of testimony and should be permitted to form their judgment on the facts brought out without "aid or influence by the ndge." The latter is generally an entire tranger to the parties and could not form as correct an opinion on facts as citizens of the county. He now has all the power he should have.

We shall now consider one other al ged defect which, we think, has no undation in fact, viz: that juries, b ason of bias from personal friendshi towards the defendant, or against the State from being stood aside by the soicitor, too often fail to convict when the coof warrants a verdice of guilty. In Let us look at these facts in the light other words, that under the present law, of the past twenty years and compare giving defendant a so called right to select the jury and shutting off the right of the judge, "to aid the jury and influ-

farming, in mechanics, in morals and in other pursuits, so we find them in the aw, and as in the former cases, the ult, if any, lies not in Providence, in the latter, the defect, if any, lies not effective for generations, move on in the

road to peace and prosperty. RESCUIÑO THE DESERTS.

Arid Western Wastes to be Made to Blussom as the Rose.

From the low York limes.) The farmers of Nebraska have served otice upon the "great American desert" hat it must withdraw from their State and are now pushing its eastern boundary across the line into Wyoming and olorado. On the 5th instant Cheyenne ounty's first agricultural fair was held at Sidney, a town on the meridian of 03 degrees. This county, which is ine which was declared a few years ago be the Western limit of agriculture in the region lying between the Rocky Mountains and the Mississippi.

Sidney is situated on Lodge he little silver spots on emerald fields." The soil is surpassingly rich in the ele-The soil is surpassingly rich in the ele-nents which produce magnificent crops twenty bushels of cotton seed or two corn, wheat, oats and other cereals. of corn, wheat, oats and other cereals." hundred pounds of meal to one hundred pounds of acid phosphate, which will do posed lack of moisture in the crop- for one acre. If the green seed are used rowing months of June, July and Au- they should be piowed in before sowing ast." But this "supposed lack of the wheat. If the meal be used with soluture" has not prevented the settleent of the county by farmers and with the wheat on the freshiy plowed afficient agricultural development land and barrowed in altogether. vithin two or three years to warrant the olding of a fair in "the desert." With egard to changes which have made the

ion attractive, General Morrow said: ·Has the climate of Western Nebraska pears in Eastern Nebraska it may be oats than in spring sown.
considered as an established fact that
there are more rainy days in the year

HOW TO DO PAYING WORK AT THIS SEASON. aggestions of Interest, from an Authori-

tative Source. (W. L. Jones in Southern Cultivator

SOWING WHEAT. The old Georgia rule was to sow in the dark nights in October. We are of the make up the sma total of househol opinion that the man who understood comfort and bappiness. Big cotton the rule literally, and sowed, plowed and crops, plenty of provisions, abundan harrowed in his crop after dark, was as philosophical as those who lasist that contentment, though affording the wheat should be sown during the last means and removing the shadow of exquarter of the moon in October. The "dark nights"—so-called—as often occur a home and as convenient appliances during the first week as during the last | (gas-light and water-works only except week. The best rule probably is to sow about the usual time of the first killing provisions for the coming winter. Imabout the usual time of the first killing Georgia, about the last of October or first of November. Such a rate applies equally well throughout the region in months that are to come. Do away with which winter-sowing prevails, and ad. the old style of dwelling in the centre of justs itself to the other operations and conditions on a farm, none of which are still another, and wood-pile of green, dependent upon the phases of the moon. As already suggested in last month's "Thoughts," not every farmer should ettempt to produce his own supply of store-room, to be replenished from time about the size of the State of Connecti-cut, lies between the meridians of 102 does not imply that a farmer should ab-be under the same roof with the dwellegrees and 104 degrees, for beyond the solutely produce everything. But there ing. Provide an abandant store of cut are many farras in the bill country of and dried fael and kindling. By attenthe Esstern, Gulf and South Atlantic tion to these and a hundred other de-States, on which wheat may be grown with almost as much certainty as in the comforts, time and patience are congreat wheat States of the Northwest. served, health and cheerfulness promoted Creek, a tributary of the South Platte. Experience has shown that the best re-Three years ago there was not a farm sults are obtained when seed of Southand home is made happy. sults are obtained when seed of South souse or any sign of habitation in the ern growth are sown, of varieties that egion between these streams, which ex-ends across the southern part of wheat from the North and West fall, as Cheyenne county. "To-day," said a rule, when sown in the cotton States. General Morrow, "the landscape is dotted all over with houses, looking like having a clay subsoil close by, manuring having a clay subsoil close by manuring a clay subsoil close by manuring the states. with cotton seed, or meal mixed with

the southern parts of our territory. Inauged within the last few years, and is Georgia and contiguous sections of other still undergoing medification? I think | States. If the work was not done last t is safe to say that the climate of all the month, even in regions farther north, it Northwestern States has undergone, and is advisable to sow outs even now, tather is still undergoing, a change in respect than rely entirely on a spring crop. To the amount of moisture annually deposited in the form of rain and dew. of late years, we have still more confrom observations running through ten | fidence-in the long-run-in fall sown

POTATOES.

house and the first ki lings on the sticks The best and cheapest bacon is that made from hogs well fattened and butchered in December or earlier.

THE HOUSEHOLD. While not as delinquent in respect to provision for household comfort as in the matter of protection to dumb and mals, yet it is often a reproach to the otherwise good name and reputation o many farmers that they give so little at supply all the demands of comfort and

case for failure. There is no reason why ed) as in the town or city. Now is the ine to make these arrangements and tic comfort and family contentment and happiness at all times, they are two-fold more important during the five or six a big yard, kitchen in one corner of the same, well in another, smoke-house in soggy and perhaps awamp wood and dull ax over the sence or out by the roadside. Let the kitchen and a convenient tails of household conveniences and

LUNATICS GIVE THANKS.

Ernest Brown, accompanied by Ferdiand Dubeck, John Curry, A. Kramer, with a set of framed resolutions expressive of their deep graticide to him for the serfined in the insure asylumet. Ward's Island, while over one-third of the women who nized by society as being mentally sound Several of the gentlessen who paid their respects to Mr. Wagener at his home last Dubeck, who had been confined for over sixty days in the asylam, told in a very in telligent manner the story of the treatment

in all things, he was refused a hearing before the physician of the asylum, and constantly kept at mental employment, such as washing dished, scrubbing the floor and waiting on table.

John Curry, who presented a picture of good health who presented a picture of the remains of the largest mammals, specially of their, milers, and vertebres.

N. W. THUME, Columbia, S. C.

cumstantial evidence, the corpus deliction of sixty millions of peoincrease is a false alarm, founded on that when taiking about his dog deserves in the confidence of the community."—The month to commence operations. Christtwo had quarreled over the ownership of mass should find them all in the smoketwo roasting-ears

In a population of sixty millions of peoincrease is a false alarm, founded on that when taiking about his dog deserves in the confidence of the community."—The month to commence operations. Christtwo had quarreled over the ownership of mass should find them all in the smoketwo roasting-ears

Epoch.

Epoch.

THE GARDEN OF EDEN.

ITS PROBABLE LOCATION NEAR THE CHY OF CHARLESTON.

Bishop Keener Gives Some Reasons for

viewing an article in the Review, writes to the Southern Christian Advocate as

I am, however, a little surprised at he quiet way in which you, Mr. Editor, take the speculations of Dr. Warren, of the Boston University, which Dr. Haron has noticed somewhat approvingly in his "Book Reviews." I should certainly not allow this industrious and scholarly Bostonian to take the very ground from under me without a proest. If "the Cradle of the Human Race" is to be found at the North Pole of course no one can think or look toward it without seeing Boston and its University.
Whatever may be the merits of the

Doctor's theory, he has at least loosened up Eden. It is now fairly at sea. I have been content all my life to consider the question as settled, and have been content to think of "Mesopotamia" as the original site of Eden. the acknowledged home of our first parents. But the Doctor says that the Arctic circle furnishes the true solution of this fascinating problem. "This

percunial interest in the search for the orden of Eden" was, says the Review, e inspiration of Columbus; that "he cherished the conviction almost, perhaps actually, to his dying day that he had discovered l'aradise." "One of the most pathetic passages to be found in all literature," says Dr. Warren, "is that in which announces to his royal patrons in his discovery of the ascent to the gate of the long lost garden of Eden. Of course Columbus was mistaken. It may be, lowever, that he was not so far out of the way as Dr. Warren supposes. At

east there remains something to be said favor of Southern latitudes in connec ion with Eden. Columbus landed too low. The next point attracted attention of those in search of the site of Paradise was the Florida coast. That vision, too, at last went out like a dissolving camera. I take it for granted that the theory which places Eden at the North Pole makes it straddle both hemispheres, and and that brings it into America. I suppose, too, the suggestion sprang from he discovery of a mammoth in 1771 in a tributary of the Lena, in Siberia, latitade 65 degrees North; and also in 1804

and a half long over the skin-an Arctic covering in fact. Then I suppose the day of six months would be quite a windfall to those who want "more room" in the Mosaic account of "the evening and the morning" of the first day. Now, suppose we bring Eden down South, say as far as Charleston, embracing the coast between the Santee

me was found in Siberia. Both, how-

ever, had very close set red wool an inch

and inlets, between the 30th and 40th

it is so grandly said, "went upon the face of the waters," it started due East if it started from near Charleston. It would presently strike the gulf stream Floating on that sea current it would take a Northerly direction until it reach-

fiect the current, but it would pass over the plateaus of Spain, into the Mediterranean, across the lower part of Greece then over the plains of Asia Minor, and still holding the same parallel, strike Mount Ararat. The distance from Charleston to Mount Ararat is 131 degrees of latitude, say 8,515 milse. The time the ark was on the water was one hundred and fifty days, or 3,600 hours. The Rev. J. C. Keener D.D., in re- Off Cape Hatters the gulf stream has a velocity of two miles an hour; this would

leave very little to be overcome, if we

allow for the uninterrupted flow which the current then had. It is not likely that animals would be landed in any other than the latitude to which they were accustomed. They would determine the direction of the ask The pathway of the ark under this supposition had a blessing in it. Between the 30th and the 40th parallels have sprung the great philosophers, warriors, statesmen and discoverers of the race, neluding the Saviour, St. Paul, St.

John and the Churches of Asia Minor. I shall not stress the fact that by the Province of God we find Methodism begun at Chorleston and Savannah in the irst hymn book ever published by Mr. Wesley; also in the Moravians, in Charles Wesley, and in the labors of Mr. Whitfield. There certainly would be a fitness in starting it somewhere near

Now, if any one differs from this view, I am content. I do not press it. I leave hat to you South Carolinians.

NOTED NEGRESSES.

Notorious Men Enough-Now for a Few Notorious Women of Color

(From the Mail and Express.) Mr. T. Thomas Fortune is one of the ablest and best known colored men in the country. He is a man of 35 or thereabouts, with a keen, intellectual face and E quick interest in everything that concerns the future of the colored people of America. "Tell me something," Mr. Fortune was asked a few days since, 'about the women of your race who have ione the most for it and for themselves.' "Colored women have hardly had op-

portunity to do much that is sensation-el," he replied. "They haven't had time. But still there are several who are prominent among their own people and who have earned a solid reputation Take Washington, for instance. Colored women of the best class there don't take much to marrying. They get along better than the men, and usually devote themselves to their work and succeed well in it. The most prominent colored women in Washington, in the best sense of the word, are the teachers—such women (3 Miss M. B. Briggs, professor of English in Howard University, a most talented woman; or Josephine J. Turpin, of the same school, who is a frequent contributor to newspapers; or Lucy Moulton, who is the efficient principal of a big training school; or Mary Nalle or Marion Shadd-all highly cultured

women, respected and esteemed by those who know them. "in Philadelphia there is the skilful Still, a wealthy colored merchant and one of the directors of the 'Underground Railroad,' of which he has written the history. His daughter is a regular graduate of the medical department of

Tashington. There is at least one colred minister, the Rev. Mrs. Freeman, oman at the head of a newspaper pub hed in the interest of Afro-Americans, liss Carrie Bragg, who for some time dited the Lancet, at Petersburg, Va.

The great railroads claim not to interfere